

COUNTY OF YORK

MEMORANDUM

DATE: May 22, 2000 (BOS Mtg. 6/6/00)

TO: York County Board of Supervisors

FROM: Daniel M. Stuck, County Administrator

SUBJECT: Application No. UP-541-98, Virginia Power –
Amendment of Special Use Permit

ISSUE

On April 21, 1999, the Board of Supervisors approved by the adoption of Resolution R99-69(R) a special use permit (UP-541-98) to authorize the removal of stockpiled fly ash on a 182-acre parcel adjacent to Old York-Hampton Highway (Route 634). The applicant has submitted a proposed revision to the approved use permit to temporarily alter the approved truck traffic route from the ash stockpile. The approved route (detailed on the attached map) out of the ash storage site has all the truck traffic leaving the site via the existing entrance on Wolf Trap Road (Route 630). Condition A33 of Resolution R99-69(R) requires the applicant to upgrade the aforementioned entrance to current Virginia Department of Transportation (VDOT) standards prior to the commencement of any removal activities. In addition, Condition A33 requires the applicant to post a \$25,000 bond to cover any road damage that occurs as a result of the removal operation. The applicant has proposed an alteration to the approved truck route (detailed on the attached map) that would have all truck traffic exiting Virginia Power at the intersection of their private haul road and Hornsbyville Road (Route 718). The applicant has requested that the proposed change be considered as a minor amendment to the existing special use permit which may be approved by the Board without public hearing or Planning Commission consideration.

DESCRIPTION

- Property Owner: Virginia Power
- Location: Adjacent to Old York-Hampton Highway
- Area: 182 acres
- Frontage: Approximately 2,800 feet on Old York-Hampton Highway
- Utilities: Public water and sewer are available
- Topography: Naturally flat; sloping mounds of stockpiled ash material
- 2015 Land Use Map Designation: General Industrial

- Zoning Classification: IG – General Industrial
- Existing Development: Virginia Power fly ash deposition and storage site; York County Industrial Development Authority shell building
- Surrounding Development:
 - North: Undeveloped Virginia Power property; single-family homes on Hornsbyville Road beyond
 - East: Old York-Hampton Highway; Limited Industrial activities and several nonconforming single-family homes beyond
 - South: York County waste transfer station
 - West: Undeveloped industrial property
- Proposed Amendment: New truck traffic route

CONSIDERATIONS/CONCLUSIONS

1. On April 21, 1999, the Board of Supervisors adopted Resolution R99-69(R) approving Application UP-541-98 to authorize a special use permit to permit the removal of stockpiled fly ash on a 182-acre parcel adjacent to Old York-Hampton Highway (Route 634). The applicant wishes to revise condition No. A33¹ of Resolution R99-69(R) to permit exiting truck traffic to temporarily use a portion of Hornsbyville Road (Route 718) instead of the existing Wolf Trap Road (Route 630) access.
2. There are three types of amendments to special use permits: administrative, minor amendment, and major amendment. An amendment falls into one of the three categories depending upon the scope of the proposed changes. Section 24.1-115(d)(2) of the Zoning Ordinance provides for amendments of special use permits for minor enlargements, expansions, increases in intensity, relocations, or modifications of conditions by resolution of the Board, without public hearing. Such minor changes must comply with all of the following criteria:
 - a. There will be a cumulative total of less than a 25% increase in either total lot coverage or floor area.
 - b. There will be no detrimental impact on any adjacent property caused by significant change in the appearance or the use of the property or any other contributing factor.

¹ Condition A33: "The entrance to the ash site at Wolf Trap Road shall be upgraded to the satisfaction of the Virginia Department of Transportation (VDOT) and York County prior to the commencement of any removal activities. In addition, a bond or other acceptable surety shall be posted with the Virginia Department of Transportation (VDOT) in the amount of \$25,000 to cover any road damages as a result of the removal operation. In addition, at no time shall this activity generate more than four hundred (400) vehicle trip ends per day."

- c. Nothing in the currently valid use permit precludes or otherwise limits such expansion or enlargement.
- d. The proposal conforms to the provisions of this article and is in keeping with the spirit and intent of the adopted comprehensive plan.

Staff is of the opinion that the proposed revision meets all four of the aforementioned criteria and should be considered a **minor** amendment.

- 3. According to the applicant, this request is driven by two factors: a decline in the ash material market and a need to provide material for a particular client in a short amount of time. The market for fly ash as a fill material was much stronger when the original application was brought before the Board in 1999; accordingly, the applicant had intended to install a weigh scale, pugmill, and other haul-related structures at the stockpile site. Installation of the scale would have enabled loaded trucks to exit the stockpile site via the existing entrance along Wolf Trap Road. Since approval of the use permit, however, the demand for fly ash has dwindled due to concerns that fly ash is not a stable building material. Consequently, the applicant has not been able to sell enough of the material to justify the expense of installing commercial truck scales on the site. In the past month, however, a potential user has shown interest in approximately 45,000 cubic yards of the material (10 percent of the existing stockpile) and would like to begin removing some of the material as soon as possible. The applicant believes that the successful use of fly ash in this particular project could restore faith in its use as building material and may rekindle demand for the product. In order to expedite the removal process for this customer and use the existing scales at the Yorktown Power Station (YPS), the applicant has requested a temporary alteration of the approved truck traffic route. Instead of trucks exiting the stockpile site onto Wolf Trap Road, they would travel along the existing haul roads back to the YPS to weigh in at the scales. The trucks would then exit along the same haul roads and would turn onto Hornsbyville Road (the route has been detailed on an attached GIS map of the area). All of the parcels adjacent to this 900-foot portion of Hornsbyville Road are zoned IG – General Industrial and are owned by BP-Amoco and Virginia Power. The applicant has indicated that Virginia Power has posted a bond (#VCVA00268) in the amount of \$2,000,000 to cover any road damage that occurs as a result of any Virginia Power operation. Staff is of the opinion that use of this alternate route will not have any adverse effects on the County and will help encourage the reuse of what is otherwise a waste product.

COUNTY ADMINISTRATOR RECOMMENDATION

As stated in my 1999 memorandum to the Board, promoting reuse and removal of fly ash from this site represents a two-fold benefit: elimination of the need to stockpile this product in the County and a reduction of the number of borrow pits necessary to provide fill material. This temporary amendment to the original use permit allowing a deviation in the approved truck haul route will help the applicant develop a market for waste material stockpiled in the County. Since this amendment is for a single job and will expire after

one year, I do not recommend that the applicant be required to upgrade their existing entrance to Hornsbyville Road. Should the applicant wish to make the proposed route permanent, the existing use permit would have to be amended and any related concerns (including roadway improvements) would be considered at that time. Removal of this stockpile will also provide the York County Industrial Development Authority with additional industrial property to market within the York River Commerce Park. It should be reiterated that, if approved, this is only a temporary amendment to the original use permit that will expire one year from the date of its approval. Therefore, based on the considerations and conclusions outlined above, I recommend approval of this request subject to the condition contained in proposed Resolution No. R00-86.

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Attachments

- Letter, Donald C. Craft to Adam R. Kinsman, dated May 15, 2000
- Proposed Haul Route dated 5/10/00
- Area Map
- UP-541-98 Memorandum, dated April 9, 1999, w/o attachments
- Adopted Resolution R99-69(R)
- Proposed Resolution R00-86